

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANDREW NATHANIEL BINGHAM II, : Civil No. 3:21-cv-1697

Plaintiff : (Judge Mariani)

v.

CORRECTIONAL OFFICER KNORR,
CORRECTIONAL OFFICER CEBRICK,

Defendants :

FILED
SCRANTON

AUG 15 2023
PER _____
DEPUTY CLERK

ORDER

AND NOW, this 15th day of August, 2023, it appearing that dispositive motions have been filed and resolved, and that the above-captioned matter is ready for a jury trial, and the Court noting that a United States Magistrate Judge of this Court is available to preside over this case, see 28 U.S.C. § 636(c); FED. R. CIV. P. 73, and may be available to do so earlier than the undersigned,¹ **IT IS HEREBY ORDERED THAT:**

1. The Clerk of Court shall mail an AO 85 form ("Notice, Consent, and Reference of a Civil Action to a Magistrate Judge") to all parties in the above-captioned action together with a copy of this Order.
2. If the parties agree to consent to jurisdiction of a United States Magistrate Judge, the parties shall complete and return the AO 85 form to the Clerk of Court no later than September 14, 2023.

¹ The parties are reminded that consent is optional and may be withheld without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with the case.

3. If consent of all parties to jurisdiction of a United States Magistrate Judge is not received by the deadline in paragraph 2, the Court will issue an Order establishing a pretrial and trial schedule.
4. If this matter settles, the parties shall, as soon as practicable, submit an appropriate dismissal filing in accordance with Federal Rule of Civil Procedure 41(a).²



Robert D. Mariani
United States District Judge

² Rule 41 contemplates three methods of dismissal. Before an answer or summary judgment motion has been filed, an action can be dismissed by a notice of dismissal signed by the plaintiff alone. See FED. R. CIV. P. 41(a)(1)(A)(i). After an answer or motion for summary judgment has been filed, the parties can dismiss a case by filing a stipulation of dismissal signed by all parties to have appeared. See FED. R. CIV. P. 41(a)(1)(A)(ii). Either of these filings operates to close the case and end the Court's jurisdiction without further Court action; as such, no proposed order or signature line for judicial approval is required. For any dismissal that is conditional or otherwise requires Court approval, including, for example, a request that the Court retain jurisdiction for a specific period of time for enforcement of the settlement, the plaintiff shall submit a motion to dismiss setting forth the requested terms for dismissal, accompanied by a proposed order. See FED. R. CIV. P. 41(a)(2).